

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MILTON THOMPSON,

Plaintiff,

No. 9:08-CV-0037  
(FJS)(DEP)

DARWIN LACLAIR, Superintendent;  
JOHN DOE 1, JOHN DOE 2, and  
A. MCKEE, Correctional Officers,  
and N. IRWIN, Lieutenant,

Defendants.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

MILTON THOMPSON, *Pro Se*  
041-463-787  
Buffalo Federal Detention Facility  
4250 Federal Drive  
Batavia, NY 14020

FOR DEFENDANTS:

HON. ANDREW M. CUOMO  
Attorney General of  
the State of New York  
The Capitol  
Albany, New York 12224

AARON M. BALDWIN, ESQ.  
Asst. Attorney General

**FREDERICK J. SCULLIN, JR., S.J.**

**DECISION & ORDER**

Presently before the Court is Magistrate Judge David E. Peebles June 7, 2010 Report-Recommendation in which he recommends that plaintiff's complaint in this action be dismissed for failure to prosecute and to comply with the rules of this court. Magistrate Judge Peebles's Report-Recommendation was mailed to plaintiff's last known address, but was returned to the Clerk's Office marked, "Return to Sender - No Addressee," - "Not Deliverable As Addressed, Unable to Forward." Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, the Court hereby

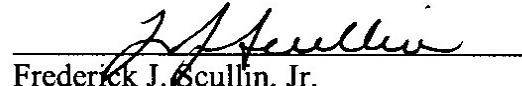
**ORDERS** that the Report-Recommendation filed by Magistrate Judge David E. Peebles on June 7, 2010 is **ACCEPTED** in its entirety for the reasons stated therein, and the Court further

**ORDERS** that plaintiff's complaint in this action is **DISMISSED** and the court further

**ORDERS** that the Clerk of the Court is to enter judgment in favor of defendants and close this case.

**IT IS SO ORDERED.**

Dated: June 30, 2010  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge